

# ANALYSIS OF HOUSE BILL 1711

Concerning the public disclosure of department of health information received through the hospital licensing process.

**SPONSORS:** Representative Campbell and Cody.

**BACKGROUND:** The Department of Health is responsible for licensing hospitals which includes setting and monitoring quality standards, conducting site visits and investigations and responding to patient complaints.

Under current law, the department may not release information about complaints, the results of site visits, including any other information about a hospital's license, unless a formal administrative action is taken against the license. This expressly includes the identity of the hospital or any individual in practice, few administrative actions are ever initiated because the hospitals provided an opportunity to correct the problem occasioning the complaint. As a result, consumers and patients have virtually no access to information about a hospital's record.

By law, hospitals are required to maintain quality improvement committees to improve the quality of patient services and prevent medical malpractice. These committees oversee and coordinate quality improvement and medical malpractice prevention programs to ensure that the information is used to review and revise hospital policies and procedures. This information includes negative health outcomes and injuries to patients, patient grievance malpractices, and causes of malpractice claims. While this information is not subject to discovery and cannot be introduced into evidence in legal proceedings, it is unclear whether it may be disclosed to the department pursuant to its regulatory responsibilities.

**SUMMARY:** Information received by the Department of Health about a hospital will be made available to the public under the Public Disclosure Act, the law that applies to the disclosure of information held by state agencies. Information pertaining to site visits and complaint investigations may be disclosed three days after notification of the hospital of the results of the inspection or investigation. Information regarding administrative action against the hospital may be disclosed only after the hospital has received the documents initiating administrative action.

The department, including hospital accrediting organizations, may review and audit the records of hospital quality improvement committees and professional peer review committees in connection with inspections and reviews of hospitals. Such information, however, is not subject to the discovery process and confidentiality must be respected. A hospital must produce and make accessible to the department appropriate records of facilities the department's review and audit.

Information and documents maintained by hospital quality improvement committees or peer

review committees are exempt from public disclosure.

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